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SUBJECT: SPECIAL COURT PRESIDENT MEETS WITH AMBASSADOR PERRY

Classified By: Ambassador June Carter Perry, for reasons 1.4(b and d)

¶1. (U) Summary: On February 9th, the President of the Special Court (SCSL), Justice Renate Winter of Austria, and the Sierra Leonean Deputy Registrar, Binta Mansaray, discussed with Ambassador Perry their recent visit with the Management Committee and ongoing court related issues. End Summary.

¶2. (SBU) President Winter stressed the importance of adding a fifth judge to the Appeals Chamber. With two of the four current judges in favor of stretching out the trial through 2012, a new judge is needed to break the impasse currently holding up the proceedings. President Winter stated a strong preference in the appointment of a non-African judge to the final post, to avoid any future allegations that the defendants have faced a regional bias. Ambassador Perry responded that the U.S. is supportive of attorney Shireen Fisher and is in agreement that a balanced bench would serve the court well.

¶3. (SBU) President Winter noted the waning support of many international donors and fears that financing legacy and residual issues will be impossible if the work of the court is not completed by 2010, and requested Ambassador Perry's support in communicating this issue to the Government of Sierra Leone (GoSL). The Ambassador concurred that the involvement of key donors is essential. She cited the positive contributions of France, Germany and the UK in 2008.

Although recognizing the global financial crisis, the U.S. will look to its international partners to maintain some level of support during the SCSL's final year.

¶4. (C) Deputy Registrar Mansaray explained concerns over 'legacy' issues the court will face, including disposition of the archives and the ongoing discussion regarding the future use of the Freetown Special Court facility. President Winter favored using it as a West African magistrate training center, ECOWAS court and/or museum, and is concerned over the GoSL's interest in using the detention center on the same compound as a maximum-security prison. A possible solution for consideration during the upcoming management committee meeting in Freetown may be the use of the facility for either juvenile or female prisoners, given the absence of adequate current facilities, the nature of the conflict and the impact the war had on those communities in Sierra Leone. Other options to consider include a half-way house for battered women and children. For the archives, President Winter recommended collocating the documents with the ICC in The Hague, but noted funding was needed, as well as the concurrence from the GoSL. President Winter reiterated her request for the Ambassador's assistance in explaining these issues to the Government of Sierra Leone. The Ambassador agreed to do so as part of her on-going bilateral discussions with the GoSL. The concept of providing appropriate facilities for women and children seemed acceptable, although (as some in the GoSL had requested) making the SCSL simply a full detention center was not consistent with legacy

proposals as a whole. The site should be similar to the Holocaust Museum to recognize the historical human rights issues associated with the conflict in Sierra Leone.

15. (SBU) President Winter discussed the upcoming Management Committee visit to Freetown as a chance to explain the Court's financing and financial situation to her colleagues in Sierra Leone. She stressed the need for every agency to send the appropriate personnel in order to move the discussion of legacy and residual issues forward. Support and funding from the Ford Foundation and interested universities could possibly bring academics and Court officials together as early as March to promote ideas advanced following the Management Committee meeting. The USG would ensure a fruitful Management Committee delegation, Ambassador Perry said in conclusion, and would continue to press for timely completion of the court's mandate.

PERRY